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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/753,415
	Filing Date	January 9, 2004
	First Named Inventor	R. Courtney
	Art Unit	1734
	Examiner Name	Linda Lamey Gray
Total Number of Pages in This Submission	Attorney Docket Number	021247.0102N1US

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input checked="" type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Summary of Substance of Interview</b>
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Kellie L. Carden Reg. No. 52,696 Patton Boggs LLP
Signature	<i>Kellie L. Carden</i>
Date	October 8, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Signature		Date	

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	R. Courtney	)	Examiner:	Gray, Linda Lamey
		)		
Filed:	January 9, 2004	)	Art Unit:	1734
		)		
Serial No.:	10/753,415	)	Confirmation No.:	7895
		)		
Title	ENEER FACE PLYWOOD	)	Atty. Docket:	021247.0102N1US
	FLOORING AND METHODS	)		
	OF MAKING THE SAME	)		

**SUMMARY OF THE SUBSTANCE OF THE INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Below please find Applicant's statement of the substance of the telephone interview that took place on July 30, 2004 between Examiner Linda Lamey Gray, Scott A. M. Chambers and Kellie L. Carden.

The interview participants discussed the new matter rejection made by the Examiner in the non-final Office Action dated July 8, 2004. In the Office Action, the Examiner rejected claims 9-15 and 17-24 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner considered the language "wherein said pierced slots do not cause appreciable expansion of the resulting wood board" might be new matter.


Applicant directed the Examiner's attention to page 5, lines 7-8 of the specification, where the application describes the claimed method as producing wood boards with dimensional

stability. In addition, applicant's representatives highlighted the passage on page 7, line 23 through page 8, line 3, wherein applicant describes how the piercing method results in relieved shrinkage stress, decreased overall shrinkage and a final wood board with structural stability.

The Examiner agreed that the passages described above would overcome her concerns under 35 U.S.C. §112, first paragraph written description and overcome the rejection of claims 9-15 and 17-24. The Examiner also indicated she was unsure as to whether the word "appreciable" was allowable claim terminology and wanted to further consider the language. In a subsequent telephone conversation between the Examiner and Kellie Carden on August 13, 2004, the Examiner confirmed that the term "appreciable" was acceptable

The Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-2228.

Respectfully submitted,



Kellie L. Carden  
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Date: Oct. 8, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
R. Courtney	)	Art Unit: 1734
	)	
Serial No.: 10/753,415	)	Confirmation No.: 7895
	)	
Filed: January 9, 2004	)	Examiner: Gray, Linda Lamey
	)	
For: Veneer face plywood flooring and	)	Atty. Docket: 021247.0102N1US
methods of making the same	)	

**RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.116**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the non-final Office Action dated July 8, 2004, Applicant respectfully requests entry of this response and reconsideration of the subject application in view of the following amendments and remarks. Included with this Response and Amendment is a Summary of the Substance of the Interview.